United Nations A/CN.10/PV.260

General Assembly

Official Records

Disarmament Commission

260th meeting

Tuesday, 13 April 2004, 4 p.m.

New York

Chairman: Mr. Adamia ..... (Georgia)

The meeting was called to order at 4.30 p.m.

Organization of work

The Chairman: Excuse us for starting this plenary meeting late. The reason is that, as all might recall, at the last formal meeting we were requested to hold informal meetings of the Bureau, in which delegations could present suggestions. We did that immediately. The Bureau has since held several meetings with a number of delegations. We are coming from the last of those meetings now.

I have to say that delegations worked hard to try to find wording for the items that would be acceptable to all delegations. That led us to a proposal that, in the understanding of the Bureau and other members, could be taken as a basis for finding consensus. The items are listed in a paper that will now be distributed. All delegations that were involved in the discussions expressed a positive view on the proposal.

For today's meeting, we received several requests from Non-Aligned Movement delegations. The first was a request to adjourn the session and reconvene it after the meeting of the Preparatory Committee of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). That would mean meeting sometime during summer this year. Secondly, they requested that informal consultations with delegations continue to try to reach consensus. The third request was to use this particular proposal as the basis for those consultations.

We had a long session of consultations today. The understanding of the Bureau is that it would be very difficult to find the extra time and resources required for such a postponement of the session until summer. If there is a request, the Secretariat can certainly give further clarification on that.

With the permission of members, I will outline the proposal, which, conditionally, is the Chairman's proposal.

The first item is "Guidelines for nuclear disarmament and the non-proliferation of nuclear weapons in all its aspects, including in particular strategies for dealing with illicit activities that undermine nuclear disarmament and non-proliferation objectives". Let me just comment that this is a compilation of the proposal of the Non-Aligned Movement and the United States proposal.

The second item is "Elements for verification mechanisms and instruments of conventional arms agreements".

The third item is connected to the revitalization or reform of the work of the Commission: "Measures for improving the effectiveness of the United Nations disarmament machinery without prejudice to efforts within the framework of the Fourth Special Session on Disarmament".

That is the proposal that was worked out in recent days. With that, I open the floor to the delegations.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

04-30844 (E)

Mr. Issa (Egypt): I am not clear whether the delegation of Egypt was supposed to have participated in today's informal consultations or whether they were restricted to the Bureau. If participation was restricted to the Bureau, then there is absolutely nothing for us say on this issue. If we were supposed to have participated, I regret that we were not there because we were not informed of it. We had no idea until now.

In any case, I have two comments. The first is to seek clarification from the Secretariat, through you, Mr. Chairman, about the implications of adjourning or suspending the session in terms of resources and the time allocation for the Disarmament Commission to reconvene during 2004.

I would like to make my second comment after that clarification has been provided.

The Chairman: I thank the representative of Egypt, although I may not agree with what he said regarding the consultations, because I repeated several times that the informal meetings — informal informals — are open to every delegation interested in coming, speaking and participating in the deliberations.

As for the question of an adjournment, I will call on Mr. Alasaniya for clarification.

Mr. Alasaniya (Secretary of the Disarmament Commission): As I said on a previous occasion, three weeks are allocated to the Disarmament Commission this year. That includes finances for the interpreters and conference officers, sound engineers and all other services, including security and so forth.

The fact that the Commission will not be using some of the resources at this time — for example, if it adjourns today or tomorrow, it theoretically will not be using next week's resources or those of the remaining three days of this week — does not automatically qualify it for the same services sometime later this year for the simple reason that what the Commission gives up will be taken by other activities going on at the United Nations at this time which were suspended or were not able to get services because our Commission had priority.

There is a long waiting list for meetings of other activities, in case activities are cancelled, such as in this case, if the Commission were to cancel. The Commission would then get onto that long waiting list for May, June or July, because there are activities planned at that time. As explained to me by Conference Services, the United Nations is functioning at full capacity during May, June and July. That means that the Commission can get services only if one of the planned activities is cancelled or if it can get rooms, which is also problematic. We could then go and do outside hiring. Any outside hiring for interpreters involves money, which goes above and beyond what is allocated for the Disarmament Commission session this year.

Having said that, I do not want to create the impression here that we absolutely cannot have a resumed session. I repeat: we can have the session if one of the activities is cancelled, which is a good possibility. If the members of the Commission are ready to have that kind of understanding, that we can postpone the session but that it will take place only if other activities get cancelled, then I am ready to inquire again with Conference Services and to put the Commission on the list. But other than that, the way it stands now, there is simply no possibility, financially or otherwise, to obtain any additional services for any additional meetings outside those originally planned, which was these three weeks. Any postponement until May, June or July would entail additional financing.

The Chairman: I have to add that, according to the views expressed and to my own information, there are a number of delegations that would feel rather uncomfortable with the postponement of the session, because of rather limited time, human and other resources.

Mr. Issa (Egypt): I thank Mr. Alasaniya for the briefing he has given us. I wish that the outline Mr. Alasaniya gave us had been given to us before the Disarmament Commission session was scheduled for last week. I am sure it would have helped several regional groups make their decisions as to whether or not the Disarmament Commission should have met at the beginning of April had they known that cancellation or suspension would not automatically guarantee us allocation of time and resources, but would put us on a long line of other meetings and basically make reconvening of the Disarmament Commission dependent on the cancellation of another meeting, which, as Mr. Alasaniya has indicated, is possible. But it is an "if", and I must say it is quite a big "if", if my information is correct. Had we known this information before the Disarmament Commission session began, I think we might have been facing an outcome different than the one we have today.

Having said that, the delegation of Egypt, at the first meeting of the Disarmament Commission, last Monday, requested the floor and, among other things, made two specific comments. The second was that there should be a very clear timeline and an end to this process of consultations. The Chair responded that the end of the process would be last Thursday. However, that was not the case, and we are meeting again this week.

It is the view of the delegation of Egypt that the biggest disservice we can do to the Disarmament Commission is to convene a substantive session and attempt, during the substantive session, to reach agreement on the items. It is unfortunate that this is the situation in which we find ourselves. I must say that, frankly, that would be the biggest disservice that delegations could do to the Disarmament Commission: it is unlikely that there will be any agreement before the end of this session.

In our view, it is incumbent on the Chairman of the Disarmament Commission to take a decision on whether to continue the informal consultations and meetings or to adjourn the session. Judging by the experience of the past week and today, this is an issue that should not to be left to the delegations alone. There is a role for the Bureau, and I think the Bureau should take a very clear decision, bearing in mind not only the issue at hand but also the credibility of the Disarmament Commission as a body.

The Chairman: It is not my business to protect the Secretariat, but I think that the Secretariat did its best to see whether it would be possible for such an event to take place. Unfortunately, all resources are limited, and we all know that.

As for the second remark, I have to say that I did not take any decisions by myself. All decisions were taken in consultation with other Bureau members and with delegations that were interested in providing suggestions and interested in the working of the Disarmament Commission. That puts me in the position of having to say that, from my point of view, we are in a situation where we really have the momentum that could make it possible to achieve consensus on the items — if we make certain decisions, of course. If there is no such intention, how to then proceed is up to delegations.

Ms. Martinic (Argentina): I would like to take the floor very briefly to thank you, Mr. Chairman, for convening this meeting, as well as for the informal informal consultations to which you invited all delegations at our last formal meeting, and in which I had the privilege of participating.

It is true that we have been involved in this exercise for almost a week and a half. As well, we were involved in consultations before the formal session of the Disarmament Commission started. I want to make the point that this is not spare time; this is the time we need to reach consensus and, as has been said, to render a service to the Disarmament Commission.

My delegation feels that, in a way, we are close to reaching consensus on the basis of your proposal, Sir, which was finished yesterday at about 6 p.m. Of course, we have not had enough time to get instructions, but at least, as I said in the informals, we know from our experience whether something can be sold to our capitals or not, whether something will fly and be acceptable or not. To my delegation, the general feeling in the room during the informal informals was that we still have the possibility of reaching consensus. Thus, my delegation will reiterate the appeal made to all delegations present in the informal informals to look carefully and to try to reach consensus on the proposals that you, Sir, put before us. They are good ones; we can work on them during our cycle and, again, render good service to the Disarmament Commission. I stress the point that this is not spare time. It is the time we needed and still need for reaching agreement. I urge members to consider that and to try to see this in a positive manner.

Mr. Percaya (Indonesia): On behalf of the Non-Aligned Movement (NAM), I would just like to reiterate what you, Sir, summed up earlier with regard to the proposal to adjourn the session and resume it later, after the third meeting of the Preparatory Committee of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

However, that proposal should not be viewed as it has been. To set the record straight, NAM has two other points to mention. First, we encourage the Chairman to continue informal consultations within that time frame. And, also very important, NAM has agreed to use the 12 April draft proposed by the Chairman as the basis for further discussion. The proposal should thus be seen in its entirety, rather than taking from it only one element or another.

Ms. Murnaghan (Ireland): On behalf of the European Union, I too wanted, first of all and as a priority, to thank you, Mr. Chairman, for the manner in which you have committed yourself to these informal consultations for over several weeks and, indeed, months now. You have expended quite a lot of personal energy in this.

I agree with you, Sir, that delegations have worked hard. In my capacity as the representative of the European Union, I would just like to put on record our appreciation for the excellent climate and atmosphere in which the informal consultations have been conducted and for the atmosphere that has prevailed throughout. I also commend the working relationships between the European Union and other group and individual country representatives.

Representing the European Union yesterday in the informal consultations of what we have called the extended Bureau, I certainly thought yesterday evening that we had come a long way and had come to a point where we were closer to reaching consensus. We are therefore somewhat disappointed — as you yourself, Sir, said — that the momentum that seemed to be there yesterday appears no longer to be as strong as it was.

Also, in the informal setting, I stated on behalf of the European Union that while the presidency was waiting for some final comments and reactions by Member States to the proposals that you, Sir, put forward yesterday evening, 12 April, I had indicated that preliminary reactions to your proposals were quite positive. At the same time, we think that, vis-à-vis what we put on the table in a positive way right at the very beginning of this exercise, the proposals are quite far from our original proposals. But we were prepared to take them in the spirit intended and to work towards a consensus on that basis. We are still ready to continue that work.

I appreciate that some may feel that it might have been ill-advised to get into the formal session of the Disarmament Commission in the absence of prior agreement on substantive items, but I think that now that we are actually in that situation, which all of us entered with the firm intention of trying to get early agreement on substantive items, it makes sense to us to try to continue that process. That is why in the informal setting I suggested spending one or two more days on it, and I hoped that there would be some room for that. We still have three days left this week — which still leaves us a week in hand — to try and come to consensus, working on the basis of your proposals, Sir.

Mr. Chairman, you have mentioned momentum. Other people have referred to momentum. I think that is very significant. If we adjourn now in the formal sense of the term, that momentum risks being lost, with all the attendant difficulties in trying to re-crank the engine. We will be going into a busy period with regard to the meeting of the Preparatory Committee of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). While I appreciate that we all have to prepare for that and work through those two weeks — which will be busy — I think the European Union would say that it still makes sense to reach agreement in this session on the substantive items for the current cycle.

Mr. Liebowitz (United States of America): I think I can be brief because a lot of what I might have said has already been said by our colleagues from Argentina and Ireland, who, I am sure, put it more eloquently than I could have.

I myself will say that I have been in touch with Washington. And while I do not have any definitive answers, I think they are working hard on the basis of your proposal, Mr. Chairman, containing those three items. I think they provide a basis for reaching some agreement in the next few days. Whether it will be one day, two days or several days, I am not sure. But I think we could do that, and I think it would be a shame to lose what everyone has called the momentum.

I therefore hope we can continue as we have been, and I thank you very much, Sir, and our colleagues, especially the Indonesian representative, representing the Non-Aligned Movement; our colleague from Ireland, representing the European Union; and our colleagues from Argentina, China and Russia, who have also made useful contributions. I am an inveterate optimist anyway, maybe sometimes foolishly so. But I think if we continue, we could have a good chance of coming up with some useful work for the Disarmament Commission to do over the course of the next several years.

Mr. Najafi (Islamic Republic of Iran): First, I should say that I fully support the statement made by Indonesia on behalf of the Non-Aligned Movement. My delegation also shares the concerns raised by our Egyptian colleague. We remember that last time it took

almost a week for one delegation to react to a single proposal. My delegation would like to raise this question for those who are insisting that we should spend the time of the substantive session of the Disarmament Commission just discussing the agenda items. When will we be in a position to decide on the agenda items? Last time, we set some deadlines — first Thursday, then Monday, and now we are meeting on Tuesday. My delegation would like to seek clarification: is it a matter of one day or two days, or are we again going to go through the long process of inter-agency discussions and waiting for reactions? And then we will come to the last week of the Disarmament Commission session without any result or compromise on the agenda items.

The Chairman: Just as a note, I have to say that I have no right to impose any time limit. That is up to the delegations to decide — even now — whether we have time limits or not.

Mr. Gala López (Cuba) (*spoke in Spanish*): Like other delegations, we thank you, Mr. Chairman, for the efforts you have made in the context of this substantive session in trying to reach a consensus formulation of our agenda items.

My delegation shares the concern of the delegation of Iran, because we have already seen in the past how one delegation took several days to respond to an alternative proposal from the Non-Aligned Movement. We take this opportunity to ask whether that delegation would require the same amount of time to respond.

While I have the floor, I will take this opportunity to reaffirm in this important forum Cuba's commitment to multilateralism in international relations, especially in the area of disarmament, arms control and non-proliferation. In that context, we would like to make clear that Cuba believes that the Disarmament Commission continues to be relevant and must be preserved because it is the only multilateral deliberative body on disarmament that currently has universal membership.

For that reason, our delegation actively participated in the process of informal consultations that you, Sir, started in February with a view to reaching consensus on the agenda items. My delegation maintained a constructive stance, which is reflected in our active support of the two proposals for agenda items submitted by the Non-Aligned Movement in the period previous to 5 April, when the substantive session began.

For the record, my delegation wishes to state once again that both proposals put forward by Non-Aligned Movement are consistent with General Assembly decision 52/492. In particular, they honour what is set out in that decision regarding the need to consider the issue of nuclear disarmament.

In our view, the first of those proposals was thoroughly realistic because it took into account how difficult it would be in a rather short period of time to reach agreement on two new items — as has in fact been shown. In our view, the alternative proposal by the Non-Aligned Movement clearly demonstrates flexibility and a constructive spirit. Like the delegation of Indonesia, Cuba will continue to contribute actively and constructively to efforts to reach consensus on the items for the substantive agenda of the Disarmament Commission.

Mr. Minami (Japan): As a member of the Japanese delegation, I would like to briefly reiterate our position. It is extremely important that the Disarmament Commission engage in substantive discussions. In order to do so, we must reach consensus on agenda items as early as possible. The international community now faces many issues and problems that must be dealt with immediately. Disarmament is one of those issues, and the Disarmament Commission is one of the most significant forums for addressing it. Therefore, we must now bridge the gap that exists among us by making a bit more effort.

The Chairman: I must reiterate: we can agree on a deadline if the Commission so wishes, but that decision rests with delegations. I have noted the statements made by the delegations of Iran, Cuba and Indonesia requesting a deadline. At the same time, I have listened to the delegations of the United States, Argentina and Japan, which have stated that more effort is needed to possibly reach a consensus.

Mr. Percaya (Indonesia): Just a point of clarification; we did not request a deadline.

The Chairman: I thank the representative of Indonesia for his clarification, but my statement also covers the request by Indonesia on behalf of the Non-Aligned Movement (NAM) for adjournment of the session. The decision on adjournment could come from delegations only, as a consensus decision. There is no

unity on this matter in the Bureau — or here in this room, as I understand. Moreover, the majority of the Bureau favoured continuation of the deliberations. That is why I am asking for advice from delegations.

Mr. Gala López (Cuba) (*spoke in Spanish*): I too should like to make a clarification. My delegation did not request a deadline either; we merely asked the United States delegation to determine when they could respond. We supported the position expressed by Indonesia on behalf of the Non-Aligned Movement.

Ms. García Guerra (Mexico) (*spoke in Spanish*): Since this is the first time my delegation has taken the floor in a formal meeting, permit me to congratulate you, Sir, on your election to guide our work and to acknowledge that we have been striving to agree on an agenda for two months.

Now, at 5.30 p.m., one could say that Tuesday is already over and we are half way through the second week of the session allocated to us by the Committee on Conferences. Like other delegations, we think it would be difficult to reach agreement by the beginning of next week: this morning my delegation received the proposals formulated in yesterday afternoon's informal consultations, and, like other delegations, my delegation will have to consult on the proposals that you made to us yesterday. At yesterday's informal meeting, it was agreed to submit them for everyone's consideration so that we could all reach agreement.

When one speaks of consensus — and we must reach a consensus — the expression "majority" has no value; what is important is consensus. In that connection, my delegation shares the doubts expressed by Egypt: how long are we going to consult on a Disarmament Commission draft agenda? It is obvious that we will not begin to consider the items at this session. If we reached an agreement in the middle of next week, we would have only a few days left to address the items on which we had agreed.

Here, I should like to reiterate that my delegation shares the concerns expressed by Egypt. We feel that we should take a position recognizing that the Disarmament Commission, because of its international nature, is one of the most important forums for considering disarmament issues. My delegation agrees with that characterization.

With regard to continuing the consultations, the Non-Aligned Movement's position is very clear: we asked the Chairman to continue consultations so that we might achieve consensus agreement on the Commission agenda. It is important to agree on an agenda in order to revive the Commission. If it has not been possible to hold a substantive session so far, I do not believe that, by trying to hold consultations from now until 23 April, we will be able to begin substantive consideration of items. Obviously, not only one delegation, but others as well, would need to consult with their capitals on the proposal arrived at in yesterday's informal consultations.

The Chairman: Just for clarification, I am not using the word "majority" to persuade anyone to change his or her position; I am merely reflecting what was expressed in the Bureau. As far as substance is concerned, there is one consensus in the Commission: everyone wants the Disarmament Commission to be — let us say — alive and working, and that is why we are continuing our consultations. This is the decision of the delegations. I reiterate that, if delegations decide to adjourn the session now and determine that we are just wasting our time and our resources, it is up to delegations to find consensus on that as well.

Mr. Sergeev (Russian Federation) (*spoke in Russian*): I wanted to thank the Chairman and the other members of the Bureau for their work in preparing the agenda proposals. I also wish to thank all our colleagues who have participated in the informal informal consultations. It seems to me that this work has not been in vain and that, while consensus has not yet been reached on the proposal outlined today, at least no delegation found it unacceptable. That is in itself progress.

Of course, I understand those delegations that are saying that discussing the agenda during the substantive session is by no means the best option. But that is precisely the situation in which we find ourselves, and we only have ourselves only to blame for that.

Of course, we have options: we can stop our work and continue to hold consultations beyond the substantive session. But the question is how productive they would be. Where is the guarantee that consensus will be reached on substantive agenda items by, say, June or July? It seems that a number of delegations have expressed concern that momentum might be lost, and I believe there are grounds for that concern.

Thus, it seems to me that the best option would be, at a minimum, to reach agreement on the agenda. That would be some degree of guarantee that the Disarmament Commission will at least continue its work: we cannot exclude the possibility that informal consultations, for which there is no deadline, might not lead to anything and that we might end up in precisely the same situation next year.

Of course, there are many complex questions and no simple solutions. In any case, it seems to me that we need to make use of what has been produced. Given that we have come close to an agreement, we should try to formalize that agreement.

Mr. Gatan (Philippines): It is my delegation's understanding that the proposal of the Non-Alignment Movement (NAM) to adjourn is not intended to mean that we are closing the session. Nor does it mean that NAM is inflexible. In fact, NAM is willing to engage in consultations.

But the main purpose of my intervention is to call attention to the rules of procedure. When delegations ask for adjournment, which is a priority motion, then appropriate action should be taken by the Chair.

Mr. Li Song (China) (*spoke in Chinese*): My delegation attended the informal informal consultations held over the past two days. Indeed, we have long participated actively in discussions on the substantive items of the Disarmament Commission agenda and have actively contributed to the discussion.

Now we are at a critical juncture. I think the decision is very difficult for all delegations because we are faced with the situation explained by the Secretariat: if we postpone our session, it is possible that we may not be able to resume it this year.

On the other hand, yesterday afternoon, after lengthy negotiations, the Chairman's proposal was finalized. Of course, some delegations need time to consult with their capitals and discuss the proposal.

During this afternoon's meeting, many delegations have said that in the past they have waited two or three weeks for a decision, and they expressed frustration at that wait. We can understand those feelings. At the same time, all delegations here share the sense that after considerable time and effort we have produced a proposal that could yield consensus. If our efforts were to stop now, and if for technical reasons we did not have the opportunity to resume this session of the Disarmament Commission, then we would not have had either any substantive meetings of the Disarmament Commission or a new agenda. That would be truly regrettable for all delegations.

I would like to call attention to one more point. The Chairman's proposal produced yesterday has not encountered any major problems from any major groups or delegations. Some delegations have said that they need some more time to consult with their capitals. I think that, if everybody is willing to continue our efforts, the best option would be to try this week to work on the Chairman's proposal in order to reach agreement on the substantive agenda items.

We could then make full use of next week to start our first round of substantive work. I think that would be the optimal outcome for the Disarmament Commission, and for the delegations as well. Of course, this means that delegations must overcome certain difficulties, such as communication with their capitals and the time difference. It also means that delegations must have the political will to reach consensus on the agenda and to start the first round of work this year.

My delegation would like to assure you, Mr. Chairman, that we want to continue in a constructive and positive spirit to assist you in seeking that optimal outcome.

The Chairman: I just want to reiterate one point. I would not want to just say that postponement is a pessimistic approach only for technical reasons. I said that a number of delegations have expressed to me their view that a postponement would be very difficult for them to agree with.

Mr. Durrani (Pakistan): As I am taking the floor for the first time since this session started, let me congratulate you, Sir, on your election to the Chairmanship of the Commission at this session. I also take this opportunity to say that we appreciate your work during informal consultations since the start of this year. My delegation appreciates the difficult task you have taken upon yourself; you are trying to forge a consensus in the Commission on the agenda.

With regard to the agenda itself and with regard to the procedure of how to continue, let me first reiterate that my delegation aligns itself with the statement made by the Non-Aligned Movement (NAM) coordinator. Here I am asking purely procedural

questions, Sir, and taking my cue from your last statement that postponement is a pessimistic approach, based purely on technical reasons. I will not go into that now. Hypothetically, if we reach consensus on the agenda for this session, technically we will have one week left to discuss substantive issues. My question, Sir, is: Do you think that technical issues would be a hurdle in extending the session for another two weeks in order to complete the cycle of three-week substantive sessions? And without descending into pessimism, do we have the optimism to extend the session? I appreciate that there would be difficulties: there might be some overlapping with the Preparatory Committee for the Nuclear Non-Proliferation Treaty Review Conference.

Secondly, Mr. Chairman, with regard to your second proposed agenda item, could my delegation be enlightened with regard to elements for verification mechanisms and instruments of conventional arms agreements? Which of those agreements have been negotiated universally and on which we can find ways to verify those mechanisms and instruments? If I recall correctly, the NAM proposal here related to the verification mechanisms and instruments of international treaties and agreements to which Member States are parties in the field of disarmament.

So, Mr. Chairman, since you have qualified this with the term "conventional arms agreements", I do not know that my delegation is party to any such agreements which relate to conventional weapons. And I do not know how many other countries are parties to such agreements. Since the Commission will be discussing those agreements in future, can you kindly enlighten us on this just to streamline our work and to remove any ambiguity for my delegation?

Thirdly, in your proposed item 3, regarding measures for improving the effectiveness of the United Nations disarmament machinery, you have added the wording "without prejudice to efforts within the framework of SSOD-IV". Without indulging in argument, has a fourth special session been held? Is there an agreed agenda of SSOD-IV so that we can say "without prejudice to efforts" within its framework? This is both a technical and a legal question that we need to resolve. Up until the first comma, it is understandable, but when you put in "without prejudice to efforts within the framework of SSOD-IV", it gives the message that SSOD-IV is already in progress, when the fact is that there is no agreed agenda.

Mr. Najafi (Islamic Republic of Iran): I will try to be very brief. I have two points to make. One is with regard to the issue of a postponement. The possible postponement, per se, might help in the process of negotiating on the substantive agenda items. Since we have a good basis for continuation of our discussion, perhaps by limiting ourselves to the two weeks we have already had — and we are aware of the process of getting instructions and waiting a long time for answers — we might lose what we have already got. But if there could be a possible postponement, we could continue the informal consultations, and, with enough time, we might be able to come up with agreement on the agenda items.

The next point I have is with regard to the possible dates. In my notes from the previous meeting, I see that there was an explanation that there is a possibility for one week, allocating the Commission some time in May or June, but not a possibility for two consecutive weeks. I would like to seek clarification on whether there is still a possibility for a one-week session.

The Chairman: I give the floor to the Under-Secretary-General.

Mr. Abe (Under-Secretary-General for Disarmament Affairs): I wish to respond to part of the questions raised by the delegate of Pakistan. There was a question about whether there are any instruments of conventional arms agreements. I can immediately recall a number of them. One is what is colloquially called the Ottawa Convention on Anti-Personnel Landmines. Another is the Convention on Certain Conventional Weapons, which bans or restricts certain conventional weapons. Another is what is colloquially called the Conventional Forces in Europe Treaty; this is an agreement among a very limited number of countries, but, still, it is an international agreement.

One more thing, if I may, even though this is not my direct responsibility — in response to the last question raised by the representative of the Philippines — my understanding is that the representative of the Non-Aligned Movement did not invoke the rules of procedure by asking for a vote on adjournment. Under the rules of procedure, the Chairman has to put it immediately to the vote. I do not think that representative asked for a vote. I think we are at the stage of discussing the wisdom of adjournment.

The Chairman: I want to add a couple of words on that subject. The items presented here were discussed thoroughly with all parties that presented their suggestions, including the Non-Aligned Movement (NAM). We had very fruitful and useful consultations with the representative of NAM. Therefore, I think it is possible for NAM members to get the answers to their questions in their corresponding groups.

As for technical or procedural matters, I totally agree with the Under-Secretary-General. But still, I would like to give the floor to the Secretary of the Commission to make some additional clarifications.

Mr. Alasaniya (Secretary of the Disarmament Commission): First, I want to say that I fully agree with the explanation that was given by the Under-Secretary-General. Neither at the moment when the adjournment was requested nor subsequently were the rules of procedure referred to, which means that the adjournment of the meeting was not requested. Nor was it a motion for adjournment to be put to the vote.

However, I should make one clarification. When we talk about the rules of procedure, we are talking about the rules of procedure for conducting meetings. Rules of procedure apply to particular meetings. Thus, rule 76 of the rules of procedure says that if a request comes, it should be put to the vote immediately, but that is if the request calls for the adjournment of a particular meeting — and no such request has come. The request was to adjourn the session. As I understand it, the request was to adjourn this session of the Disarmament Commission. And the session of the Disarmament Commission cannot be adjourned in accordance with the rules of procedure. It can be adjourned only in accordance with the rules that apply to the Disarmament Commission, and that is the rule of consensus.

It is up to delegations to decide whether duration, time and dates are substantive or procedural. However, it was the practice — and I, who have been Secretary for many years can give you a historical note that, to my knowledge, the duration, timing and dates of Disarmament Commission sessions have always been treated as a substantive issue. And if that is the case, then it should be decided by the rule of consensus. It cannot be put to the vote. That is the rule applicable here.

Thus, rule 76 of the rules of procedure to which I referred, would not apply to the adjournment of this session. It would apply to the adjournment of a particular meeting. If such a request were made, the Chairman would immediately stop the meeting and put it to the vote.

The Chairman: Could Mr. Alasaniya answer the question of whether it would be possible to prolong the session for the following couple of weeks.

Mr. Alasaniya (Secretary of the Disarmament Commission): I would be perfectly willing to look into it again and consult the relevant departments dealing with finances, conference planning and conference services. As a preliminary view, from the information that I have at hand, which I shared with the members of the Commission, it does not look possible. We certainly cannot talk about a couple of weeks because, if nothing else, we have already used a week and a half, and all we had allocated in the beginning was three weeks. Three weeks minus a week and a half is already less than a couple of weeks. We cannot extend the session by two weeks. This is all we have for this year, in accordance with the resolution and in accordance with everything. The Commission's activities are planned in accordance with the mandate contained in the General Assembly resolution, which says, inter alia, that the Disarmament Commission is to meet in 2004 for its substantive session, not to exceed three weeks. All we are given is the allocated yearly financial and human resources for a three-week substantive session. As I have said, we have already used a week and a half. So, I do not know how I can prolong it for two weeks. However, as I said, the Secretariat will be happy to look into the possibilities. If there is any cancellation of other meetings, we can look into that.

Mr. Issa (Egypt): I listened quite carefully to the statement by the representative of Indonesia. I think that the representative of Indonesia, speaking on behalf of the Non-Aligned Movement, in his wisdom, was, I am sure, quite aware of the rules of procedure and, equally intentionally, in his wisdom, was quite careful not to base the request for adjournment on the rules of procedure. I suspect that the reason for that was because it would be the biggest disservice that any of us could do to the Disarmament Commission: to engage in a vote on the suspension of the session.

Having said that, according to my experience, it is feasible to do so, according to the rules of procedure. There was a precedent in 1985 or 1986 with regard to the Committee on Information. In any case, without getting into the details, if the request is drafted carefully, of course, the rules of procedure allow for the suspension or the adjournment of the session. As I said, I understand the wisdom of the delegate of Indonesia in not specifically invoking that rule of procedure. And I hope that we do not become mired in such a debate.

I have been listening very carefully to what has been said. Some delegations — such as the Russian delegation and the Chinese delegation, and others as well — have indicated that one of the best things we can do is basically to reach agreement, and then hopefully we can begin the substantive discussion next week. However, both the Russian and the Chinese delegations were quite careful to say that there is no guarantee that that will be the case. Quite frankly, I think that that also applies to the argument that the session should be adjourned: momentum may be lost, but there may also be momentum for agreement. In either case, there is no guarantee that we will reach agreement.

But I think the common denominator in both cases was explained by the delegation of Mexico: that we have been engaged in informal discussions on this issue for the past two months, we are already into the second week, and agreement does not seem likely. One cannot say categorically whether there will be agreement or not, but it does not seem likely. However, one should try, and I think that that is what the representative of Indonesia said on behalf of the Non-Aligned Movement. If I correctly understood what he said, it was that the Disarmament Commission session would be adjourned, and, in the meantime, the Chairman and the rest of the Bureau would continue their informal consultations with a view to reaching a consensus on the agenda. Should we manage to reach a consensus on the agenda, then we would work to reconvene the Commission within the remaining time available to us. Given what has already been explained, we hope that that will be feasible. As I explained in my statement, there is a big "if", but that can always be the case.

In any event, we have all expressed our sentiments today. Among those sentiments, there was one clear request, which was expressed by the representative of Indonesia, for the adjournment of the Disarmament Commission session. I merely wish to draw attention to the fact that that request was very clear — at least to my delegation — and there is no way we can avoid taking a decision on it at this meeting before 6 o'clock. So I hope we can turn to that issue.

The Chairman: I can assure the representative of Egypt that we are not trying to hide any proposal.

Mr. Maandi (Algeria) (*spoke in Arabic*): I, too, would like to support the statement made by the representative of Indonesia on behalf of the Non-Aligned Movement. I should also like to thank all delegations that have expressed their positions, providing us with a basis for discussion so that we can reach a consensus on the Commission's agenda items for the next three years.

In addition, I should like to make a few comments of my own. The problem preventing us from reaching agreement is that there is no acceptance of General Assembly decision 52/492. That problem — which is fundamental — must be resolved. When the Commission proposes items, it does not do so in a vacuum; it does so on the basis of decision 52/492, which provides the legal foundation for all our proposals.

I fear that the Disarmament Commission is in the unfortunate position of having spent one and a half weeks of this session without having been able to reach any agreement whatsoever. And I wonder whether it is possible that we are going to devote the entire session to informal consultations on these items, on which we were supposed to have agreed before the session began on 5 April.

We must spare no effort to keep the Disarmament Commission alive. Any agreement on the items to be considered should take into account General Assembly decision 52/492, which is our foundation.

The Chairman: We must make a decision either way, and I ask members to support me in prolonging the meeting for perhaps 15 to 20 minutes until we come to a decision, without interpretation if necessary.

Mr. Durrani (Pakistan): I apologize for taking the floor once again. I am grateful to the Secretariat for providing its explanations. With regard to the explanation that General Assembly decision 52/492 itself states that the substantive session shall not be

more than three weeks long, I have a couple of supplementary questions with regard to that decision. If this session should be adjourned this week and should resume sometime later this year -- depending on the cancellation of an already-scheduled activity — would it still have the number of days remaining in the session, or could more time be provided? If not, since the decision refers to the substantive session, I should like to ask the Secretariat if we can call this session in its present form a substantive session, since there is no agreement on the agenda. That can be taken as a procedural question or as a legal question. Is the current session a substantive session when we have no agenda? What are we discussing?

If memory serves me correctly, the legal precedent in the Disarmament Commission had always been that, before the substantive session began, there had always been informal sessions in which agreement on the agenda had taken place. So which precedent are we following? Or are we creating new precedents? Perhaps the Secretariat can enlighten us on that also, just to complement the efforts of the Chairman of the session. I should be grateful for that.

And with regard to proposed item 3, I still await a response to my earlier question. The item uses the wording "without prejudice to efforts within the framework of SSOD-IV"; the questions were: Is there an SSOD-IV? Is there an agreed agenda? Or we could be going around in circles regarding the agenda of SSOD-IV itself.

The Chairman: At this point I thank the interpreters for their perfect work, and must ask delegations to continue the meeting without interpretation.

Mr. Lew (Republic of Korea): My delegation has listened very carefully to what all the other delegations have said about the substantive agenda items and about the procedural matters. It seems to me that we are somewhat deadlocked as to how to move forward after today's meeting. Some delegations have pointed out that there is no guarantee that we will reach consensus on whether to adjourn the meeting and reconvene it after the meeting of the Preparatory Committee for the Non-Proliferation Treaty Review Conference. Nor is there any guarantee that we will reach consensus if we continue this exercise as we are doing now. I echo many other delegations in saying that it is a strong wish of my delegation that we not lose valuable momentum.

In my view, it would be better to try to continue our exercise while we have this valuable momentum rather than without it. If we adjourn the session and then convene it without any of the valuable momentum we currently have, my delegation fears that next year we will be in the same situation. In that sense, we strongly believe that the most feasible option is to continue our exercise until the end of the session, using the time allocated to the Commission.

On the practical side, if my memory is correct, we feel that some delegations need more time for further consultations about the Chairman's proposal, so it might be desirable to suspend the session for one or two days to provide more time for consultations with a view to reaching consensus on the proposal.

The Chairman: Before putting the questions to the Commission, I just want to make some very brief remarks. I endorse the opinion that was most directly expressed by the delegation of the Russian Federation. The difference in today's meeting following yesterday's informal informals is that today we have a proposal which nobody is against. That was not the case before. This gives a number of delegations hope that consensus can be achieved. That relates to substance.

But I have to turn to members in this situation where we have no consensus on the substantive items and no consensus how to proceed. Although I agree that there has been a direct request for adjourning the session, I also hear some other delegations expressing the view that the session should not be adjourned, as we are near to finding some common language. In those circumstances, colleagues, how should we proceed? Shall we have an informal or formal meeting tomorrow, or would the Bureau be willing to meet to discuss the situation? Or maybe we should meeting with representatives of groups to find a solution acceptable to everybody? I solicit the opinions of members.

Mr. Issa (Egypt): First I should like to state for the record that at no time in an Egyptian delegation intervention did we suggest that anyone is attempting to hide anything. You have a very tough job, Mr. Chairman; it is an unenviable one and we certainly appreciate your work.

Secondly, let me put it on record that I was privileged at the last session to chair Working Group Two. During that time I was privileged to work with members of the Secretariat, both of the Department for General Assembly Affairs and Conference Management, and of the Department for Disarmament Affairs. My experience enables me to state before everyone that in both departments the competence and professionalism were unequalled.

The Chairman has put an issue before us. Again, as I said, I think there was a very clear proposal by the representative of Indonesia on behalf of the Non-Aligned Movement. Whereas others have expressed sentiments, that was the only clear proposal that at least my delegation has heard. I would suggest, therefore, Sir, since you have requested suggestions as to how to proceed, that you put the request of the Non-Aligned Movement to the Commission and see whether or not anybody raises an objection to it. Then it would become a totally different issue.

Ms. Murnaghan (Ireland): I'm not sure if what I expressed was a sentiment or a position. I thought it was a position. But if clarity is required, I do not as of now have a mandate on behalf of the European Union to support an adjournment of the Commission's session.

Ms. Martinic (Argentina): I too wish to react to the three alternatives that you presented to us, Mr. Chairman. The only instruction that I have, for the moment, is to follow closely the dialogue and try to make a positive contribution to the consensus. Those are my instructions for the moment, so I have to go back to my capital to seek instructions about the three proposals you put before us, as well as about the proposal by Egypt.

Mr. Issa (Egypt): I am not aware that I put forward a proposal. I just said that there is a request by the Non-Aligned Movement for the adjournment of the session, and that this should be put to the vote, but I did not put forward the proposal. And then I said that if there were an outright objection to it, then it would be a totally different picture. Because if that request is put forward again, this time invoking the rules of procedure, then — regardless of whether or not the delegations have instructions — they would have to take a decision. That is why I said it would be a totally different picture.

But as I mentioned earlier, I think the representative of Indonesia in his wisdom did not, in the first instance, invoke the rules of procedure when asking for an adjournment of the session. That was basically out of respect for the credibility of this body, and that is why the proposal by the Non-Aligned Movement, as expressed by Indonesia, as I heard it, is still on the table. I have heard no objection to it. I have heard that certain delegations do not have a mandate from their capitals to take a decision on it, but I have heard no objection.

What I said was, "if there is an objection", which would be a different picture. If the proposal were put forward again, within the next five minutes, as a motion to adjourn the session, in accordance with the rules of procedure — and the rules of procedure allow this, if the motion is drafted in a very precise manner — then delegations would have no choice but to take a decision now. None of us would have any choice but to suspend the debate and take a decision.

But it would be very unfortunate if, at any stage of its work, the Commission were forced to take votes. That is something that my delegation would certainly wish not to see at all — at any stage of our work.

I stress that I have heard no objections to the proposal by Indonesia.

Ms. Martinic (Argentina): I do not know if it is the late hour or that English is not my mother tongue, but I am becoming increasingly confused. We are speaking about "no objection", but at the same time speaking about applying the rules of procedure. If that is the case, we need instructions. And, at the same time, the point is raised that we have no choice, and that we have to take a decision now.

I would suggest that we take a five-minute break to clarify our minds, then come back and take a decision. Currently it is not clear to my delegation whether we are talking about no objection, consensus or the rules of procedure. What indeed are we talking about? So I seek clarification.

Meeting services were suspended.

The meeting rose at 6.20 p.m.